THE HON'BLE DR. JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 16850 of 1994

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DATED: 18.11.2005

Between:

G. Ashok Kumar

... PETITIONER

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AND

Sports Authority of Andhra Pradesh,

Lalbahadur Stadium, Hyderabad,

Rep., by its Vce Chairman & Managing Director.

... RESPONDENT

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ORDER:-

The petitioner approached this Court through this writ petition seeking a direction to the respondent to treat the period of absence from 21.02.1992 to

23.04.1993 as on duty and to grant all consequential benefits to him.

The petitioner was appointed as Rent Collection Assistant on daily wage basis on 08.08.1990. He was terminated from services on 21.02.1992. Aggrieved by the termination order, dated 21.02.1992, he filed WP.No.3935 of 1992 before this Court and the same was allowed on 20.04.1992 by setting aside the order of termination. Subsequently, the petitioner approached the respondent to reinstate him into service, but he did not reinstate him into service. The respondent preferred an appeal in WA.No.1086 of 1992 and the same was dismissed on 14.10.1992. When the respondent failed to reinstate him into service, the petitioner filed C.C.No.192 of 1993. After receipt of the notice in contempt case, the respondent reinstated the petitioner into service on 23.04.1993 and the contempt case was closed due to compliance of the orders of this Court. Subsequently, the petitioner submitted a representation on 11.08.1993 claiming wages for the period from 21.02.1992 to 23.04.1993 i.e., from the date of termination till the date of reinstatement. The respondent passed an order, dated 23.08.1993, informing the petitioner that there is no provision for payment of wages for the period of absence. Aggrieved by the said order, the petitioner approached this Court seeking the relief as mentioned above.

Learned counsel for the petitioner submits that since the termination order passed by the respondent was held illegal, he is entitled for the wages for the period from the date of termination till the date of reinstatement, but the respondent did not consider the circumstances whether the petitioner is entitled for the wages for the period of absence or not. He further submits that even after setting aside the order of termination by this Court, the respondent did not choose to reinstate the petitioner. Therefore, there were no laches on the part of the petitioner in attending the work and since the respondent delayed reinstatement, he is entitled for the wages for the period of absence.

In view of the submissions made by the learned counsel for the petitioner, it is for the respondent to examine whether the petitioner remained idle, whether he

was gainfully employed and whether he is entitled for the wages for the period of absence.

In the light of the above circumstances, the writ petition is disposed of. No order as to costs.

However, the petitioner is directed to make fresh application to the respondent for the same relief along with an affidavit regarding the gainful employment during the said period, and on receipt of the said application, the respondent shall pass appropriate orders by giving sufficient reasons regarding the treatment of the period of absence from 21.02.1992 to 23.04.1993, within eight weeks from the date of receipt of the application.

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18.11.2005

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